

**MINUTES OF THE REGULAR MEETING OF THE CHARLOTTE COUNTY
CONSTRUCTION INDUSTRY LICENSING BOARD
18500 Murdock Circle, Room 119
Port Charlotte, Florida 33948**

April 2, 2015

CALL TO ORDER

Tom Burns called the meeting to order at 6:00 pm.

PLEDGE OF ALLEGIANCE

ROLL CALL

Members Present:

Pamela Alexander
Thomas Burns
John Damon
Erik Howard
Stephen Gardiner
Charles Hackbarth
Carleton Strong
Glenn Siegel, Board Attorney

Staff Present:

Erin Mullen-Travis, Certified Code Compliance Officer, Licensing Manager
Ira Bender, Certified Code Compliance Officer, Licensing Investigator
Lorraine Lundblad, Certified Code Compliance Officer, Licensing Investigator
Keith Morgan, Compliance Officer, Licensing Investigator
Ben Bailey, Interim Building Official
Pooja Patel, Assistant County Attorney
Sandra Williamson, Administrative Assistant I

NEXT MEETING DATE

May 7, 2015

APPROVAL OF MINUTES

Pam Alexander moved to approve the minutes of March 5, 2015. The motion was seconded by **Carlton Strong** and was passed unanimously.

SWEARING IN OF ALL THOSE GIVING TESTIMONY

Sandra Williamson administered oath to those who gave testimony.

AGENDA CHANGES

Erin Mullen-Travis gave an update on the agenda changes.

CONSENT – AFFIDAVITS OF NONCOMPLIANCE FINES

All matters listed under this item are considered to be routine and action will be accomplished by one motion without separate discussion of each item. If discussion is desired by a member of the Board, that item(s) will be removed from the Consent Agenda and considered separately. **Each case has been assessed with an additional \$10.00 for the cost of recording the lien:**

None

CONTESTING CITATION

None

REINSTATEMENT

Peter Cafaro, III
Lowes Home Centers, Inc
Certified General Contractor
CGC1508417
Case No. CIL-14-000398

Mr. Cafaro has requested through his legal counsel, a continuance of this request for reinstatement to the May 7, 2015 hearing.

LICENSE REVIEW

None

EXAMINATION

None

OLD BUSINESS

Jeffrey S. Davis
d/b/a PGA, LLC
Local Aluminum/Concrete Contractor
License No. AAA005762
Case No. CIL-14-00325

Lorraine Lundblad

Jeffrey Davis and his attorney, *Russell Kirshy*, were present to provide the Board with an update on the expired permits. *Ben Bailey* stated he has no problems with Jeffrey Davis since he has hired a new engineering company.

MOTION: *Erik Howard* made the motion that *Jeffrey Davis'* temporary permitting privileges be extended until May 7, 2015. *Jeffrey Davis* must reappear before the Board to provide the Board with an update on all outstanding permits. The motion was seconded by *Carlton Strong* with two (2) opposing votes *John Damon* and *Pam Alexander*.

Trevor Charnley
Case No. CIL-15-00318
Order to Vacate Civil Penalty Issued on March 5, 2015

Erin Mullen-Travis

MOTION: *Pam Alexander* made the motion to vacate the order issued against Trevor Charnley on March 5, 2015. The motion was seconded by *Carlton Strong* and was approved unanimously.

Marcia Nelson
Case No. CIL-14-00507
Order to Vacate Civil Penalty Issued on March 5, 2015

Erin Mullen-Travis

MOTION: *Pam Alexander* made the motion to vacate the order issued against Marcia Nelson on March 5, 2015. The motion was seconded by *Carlton Strong* and was approved unanimously.

DISCIPLINE CASES

A. Jeffrey Arnold
d/b/a Trademark Dock Boatlifts & Seawalls, LLC
State Certified Building Contractor
License No. CBC056089
Case No. CIL-14-00321

Lorraine Lundblad

Lorraine Lundblad Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. *Jeffrey Arnold* was present to give testimony to the board.

CHARGE 1: Florida Building Codes 110.3 and 110.5 adopted by Charlotte County Code 3-2-23: The building official upon notification from the permit holder or his or her agent shall make the following inspections, and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violation which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection. It shall be the duty of the holder of the building permit to their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are requires by this code. (5 Counts)

CHARGE 2: Charlotte County Code 3-2-47(b)(4) Willful or deliberate disregard and violation of any lawful order of the board, any provisions of Charlotte County Code, Chapter 3-2, Chapter 3-9, any provisions of any code adopted pursuant to this chapter or any state law regulating the construction industry, including Chapter 489 and Part I of Chapter 455. (5 Counts)

CHARGE 3: Charlotte County Code 3-2-47(b)(20) Failing to obtain inspection including but not limited to final inspection. (5 Counts)

MOTION: *Erik Howard* made the motion that *Jeffrey Arnold* be found in violation of the referenced charges and that *Jeffrey Arnold's* new permitting privileges and the right to work in Charlotte County be suspended (with the exception of the two (2) permits that are ready to be picked up) and that all permits receive final inspections. Per the Florida Building Code *Jeffrey Arnold* must obtain final inspections of all outstanding permits within 6 months or in accordance with the Florida Building Code. If *Jeffrey Arnold* does obtain the required final inspections within the allocated time frame it's recommended that *Jeffrey Arnold* will be required to reappear before the CILB to have his permitting privileges and the right to work restored. If *Jeffrey Arnold* fails to comply with the board's order within the allocated period of time and allows any of the renewed permits to expire *Jeffrey Arnold's* permitting privileges and the right to work as a contractor in Charlotte County will be revoked without requiring *Jeffrey Arnold* to reappear before the Board. It is further recommended that this case along with a copy of the board's order be prepared and sent to Department of Business and Professional Regulation with the recommendation that Florida Construction Industry Licensing Board order *Jeffrey Arnold* be placed on probation as long as he is in compliance with Charlotte County Construction Industry Licensing Board's Order. If *Jeffrey Arnold* fail to comply with the Board's order it is the recommendation that the state certified building contractor's license of be suspended or revoked by the Florida Construction Industry Licensing Board. The motion was seconded by *Charles Hackbarth* and was approved unanimously.

B. Ryan Diedrich - **CONTINUED**
d/b/a Air Experts
Certified Air Conditioning Contractor
License No. CAC01816885
Case No. CIL-13-00342

Ira Bender

C. Jeffrey W Hansen - **CONTINUED**
Tropical Pools & Spas of SWFL
Local Aluminum Concrete Contractor
License No. AAA006055
Case No. CIL-14-00437

Lorraine Lundblad

D. Corey J. Lynch
d/b/a Heights Seamless Gutter, Inc.
Local Aluminum Contractor
License No. AAA0010565
Case No. CIL-13-00472

Ira Bender

Ira Bender Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. *Corey J. Lynch* was present to give testimony to the board.

CHARGE 1: Florida Building Code 105.1, adopted by Charlotte County Code 3-2-23 - Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. **(1 Count)**

CHARGE 2: Charlotte County Code Section 3-2-47(b)(25) -Acting in the capacity of a contractor under any certificate or registration issued hereunder except in the name of the certificateholder or registrant as set forth on the issued certificate or registration, or in accordance with the personnel of the certificateholder or registrant as set forth in the application for the certificate or registration. or as later changed as provided in this part. **(1 Count)**

CHARGE 3: Florida Building Codes 110.3 and 110.5 adopted by Charlotte County Code 3-2-23: The building official upon notification from the permit holder or his or her agent shall make the following inspections, and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violation which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection. It shall be the duty of the holder of the building permit to their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are requires by this code. **(6 Counts)**

CHARGE 4: Charlotte County Code 3-2-47(b)(4) Willful or deliberate disregard and violation of any lawful order of the board, any provisions of Charlotte County Code, Chapter 3-2, Chapter 3-9, any provisions of any code adopted pursuant to this chapter or any state law regulating the construction industry, including Chapter 489 and Part I of Chapter 455. **(6 Counts)**

CHARGE 5: Charlotte County Code 3-2-47(b)(20) Failing to obtain inspection including but not limited to final inspection. **(6 Counts)**

MOTION: Thomas Burns made the motion finding *Corey J. Lynch* in violation of the referenced charges and ordered the new permitting privileges of *Corey J. Lynch* be suspended and that the one (1) permit that is listed in the notice be issued within 30 days. Per the Florida Building Code, *Corey J. Lynch* must obtain final inspections of all outstanding permits within 6 months or in accordance with the Florida Building Code. If *Corey J. Lynch* does obtain the required final inspections within the allocated time frame after the permits were renewed, it's recommended that *Corey J. Lynch's* new permitting privileges be restored without the necessity of reappearing before this Board. In addition, the Board ordered that *Corey J. Lynch* be required to reappear before this Board on a monthly basis for six (6) months or until the permits are finaled and provide the Board with an update monthly on the status of the permits. The Board further ordered that *Corey J. Lynch* be fined under CCC 3-2-47(b)(4) for 1 count at \$500.00 for siding the sunroom at 4320 Tree Tops Dr., Port Charlotte without a permit and under CCC 3-2-47 (b)(25) for 1 count at \$200.00 for entering into a contract with the Tree Tops

Association under the contract name: Kevin Boyer, Inc. d/b/a The Heights Aluminum, Inc. for a total of \$700.00. It was further ordered that if **Corey J. Lynch** fails to comply with the board's order within the allocated period of time and allows any of the renewed permits to expire again, **Corey J. Lynch's** permitting privileges and the right to work as a contractor in Charlotte County will be REVOKED without requiring **Corey J. Lynch** to reappear before this Board. The motion was seconded by Carleton Strong with one (1) opposing vote, Erik Howard.

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| E. | Michael Looney - CONTINUED
d/b/a Michael J. Looney, Inc.
Certified Electrical Contractor
License No. CEC0001536
Case No. CIL-14-00400 | Ira Bender |
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| F. | Leo Pfliger - CONTINUED
d/b/a Leo Pfliger Construction, Inc.
State Certified Building Contractor
License No. CBC057279
Case No. CIL-14-00434 | Lorraine Lundblad |
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| G. | William Logan - CONTINUED
d/b/a Jack Logan, LLC
Certified Roofing Contractor
License No. CCC1327014
Case No. CIL-14-00382 | Ira Bender |
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| H. | Nikos Kment - CONTINUED
d/b/a All Tech Heating & Cooling, Inc.
Certified Air Conditioning Contractor
License No. CAC1814558
Case No. CIL-15-00304 | Ira Bender |
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| I. | Jim Antrim - CONTINUED
d/b/a Jim Antrim Construction Inc.
State Certified General Contractor
License # CGC1516132
Case # CIL-14-00381 | Ira Bender |

CITIZEN INPUT

NONE

REPORT FROM THE LICENSING DIVISION MANAGER

Address the new procedures that are being implemented about disciplining state certified contactors. These complaints will be turned over DBPR. Carlton can we ask for a declaratory statement from DBPR. Pooja Patel, Assistant County Attorney stated we can ask for something from the attorney general. The board questioned if there is anything the local Licensing Board can do to change the law. Pooja explained the statutes. A lengthy discussion took place regarding the codes and citations. The board will continue hearing cases regarding local and registered contractors but can only hear and discipline state certified contractors for a willful building code violation such as failing to obtain permits and failing to obtain required inspections.

REPORT FROM THE INTERIM BUILDING OFFICIAL

Discussion for pool heater repair; A/C contractor can do repairs but cannot do installation.

REPORT FROM THE ASSISTANT COUNTY ATTORNEY

None

BOARD ATTORNEY COMMENTS

None

REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS

None

ADJOURNMENT

Thomas Burns made the motion to adjourn and *Carlton Strong* seconded the motion and it was approved unanimously at 7:36 pm.

**CHARLOTTE COUNTY
CONSTRUCTION INDUSTRY LICENSING BOARD
MINUTES OF APRIL 2, 2015**

Read and approved on May 7, 2015:

Tom Burns, Chairman of the
Charlotte County Construction
Industry Licensing Board

ATTEST:

Sandra Williamson
Administrative Assistant I
Community Development Department
Contractor Licensing Division

Complete files of all cases, as well as taped recordings of all proceedings of this meeting, are kept in the Community Development Department and are available to the public.

Any person who decides to appeal a decision of this Board will need a record of the proceedings pertaining thereto, and therefore may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.